UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,700	12/04/2003	Curt Lee Cotner	SVL920030097US1	9646

45727	7590	06/14/2006	

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EXAMINER
LEWIS, CHERYL RENEA

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/726,700	COTNER ET AL.
	Examiner	Art Unit	
	Cheryl Lewis	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/4/03</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-35 are presented for examination.

INFORMATION DISCLOSURE STATEMENT

2.   The information disclosure statements filed on December 4, 2003, complies with

the provisions of MPEP § 609. They have been placed in the application file, and the

information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1-35 recite "...indoubt..."

The limitation for "indoubt" is extremely broad and difficult to interpret. How is a

computing apparatus going to be "indoubt" of recording data? What does this means?

Claims 22 and 24 recite "coupling facility" and "coupling facility list". What is

meant by "coupling"? What type of facility is being claimed and what list of data items

are comprised within this facility?

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Ganesh

et al. (Pat. No. 6,684,223 B1 filed April 18, 2002, hereinafter Ganesh).

7.   Regarding Claims 1, 6, 30, and 33, Ganesh teaches performing 2-phase commit

with presumed prepare.

The method and associated system for performing 2-phase commit with

presumed prepare as taught or suggested by Ganesh includes:

recording indoubt transaction entries for each member of a database cluster via

shared memory device (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4,

lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9,

lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67,

col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19,

lines 1-67); and upon detecting failure of a transaction manager, issuing instructions to

perform a ROLLBACK or COMMIT based upon recorded indoubt transaction entries in

shared memory device (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4,

lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9,

lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67,

col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19,

lines 1-67).

8.   Regarding Claim 2, Ganesh teaches the shared memory device is located

remote from the database cluster (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67,

col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67,

col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines

1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col.

19, lines 1-67).

9.   Regarding Claims 3 and 12, Ganesh teaches the step of adding an indoubt entry

in the shared memory device when a PREPARE TO COMMIT instruction is received by

a member of the database cluster from a transaction manager (col. 2, lines 1-67, col. 2,

lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7,

lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col.

12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-

67, col. 18, lines 1-67, col. 19, lines 1-67).

10.   Regarding Claims 4, 5, 7, and 13, the limitations of these claims have been noted

in the rejection of claim 1 presented above. They are therefore rejected as set forth

above.

11.   Regarding Claim 8, Ganesh teaches the event of loss of data in shared memory

device, data sharing groups restart processing to reconstruct indoubt entries from a

maintain log (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col.

5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67).

12.   Regarding Claims 9 and 10, Ganesh teaches a network (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67).

13.   Regarding Claim 11, the limitations of this claim has been noted in the rejection of claim 1 above. In addition, Ganesh teaches an interface for communication with database cluster and transaction manager (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67).

14.   Regarding Claims 14-21, 23, 25-29, and 31-35, the limitations of these claims have been noted in the rejection of claims 1-3, 9, and 10 presented above. They are therefore rejected as set forth above.

15.   Regarding Claim 15, Ganesh teaches creating a coupling facility list structure in a coupling facility (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14,

lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67);

receiving instruction from a member in the database cluster to create an entry in a

coupling facility list structure (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col.

4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col.

9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-

67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19,

lines 1-67), instruction sent by a member in the database cluster after receiving a

PREPARE TO COMMIT message regarding a transaction from a transaction manger

(col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-

67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines

1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col.

15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67); creating an

entry corresponding to a transaction in a coupling facility list structure (col. 2, lines 1-67,

col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67,

col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-

67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16,

lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67), the entry comprising a global

transaction identifier (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines

1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines

1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col.

14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-

67), a timestamp identifying when the entry was created, and a state indicating that a

transaction is an indoubt transaction (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67); and entries in the coupling facility list structure are used to perform COMMIT OR ROLLBACK operations in the database cluster (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67).

16.   Regarding Claim 16, Ganesh teaches reestablishing communication links (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67), receiving a ROCOVER message from the transaction manager (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67), transmitting a list of global transaction identifiers to a transaction manger (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col.

10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-

67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67),

wherein the transaction manager identifies associated indoubt entries (col. 2, lines 1-67,

col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67,

col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-

67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16,

lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67), issues a COMMIT or ROLLBACK

decision for associated indoubt entries (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines

1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines

1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13,

lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67,

col. 19, lines 1-67), and notifies other transaction managers corresponding to

remainder of indoubt entries (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col.

4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col.

9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-

67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19,

lines 1-67); and upon successful execution of issued COMMIT or ROLLBACK decision

(col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-

67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines

1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col.

15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67), coupling

facility receiving an instruction from a member in a database cluster for deleting

corresponding entry in coupling facility list structure (col. 2, lines 1-67, col. 2, lines 1-67, col. 3, lines 1-67, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67, col. 11, lines 1-67, col. 12, lines 1-67, col. 13, lines 1-67, col. 14, lines 1-67, col. 15, lines 1-67, col. 16, lines 1-67, col. 18, lines 1-67, col. 19, lines 1-67).

NAME OF CONTACT

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
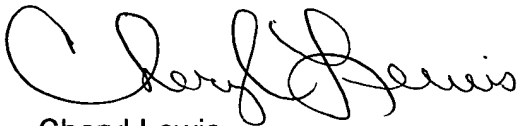
(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheryl Lewis
Patent Examiner
June 12, 2006